IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE THIRTEENTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE BILAL NAZKI

and
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT APPEAL NO : 266 of 2004

(Writ Appeal under Clause 15 of the Letters Patent against the Order dated 17/10/2003 in WP NO : 16140 OF 2003 on the file of the High Court.)

Between:

1 The Singareni Collieries Company Limited, rep.by its General Manager, Ramakrishnapur Area, Ramakrishnapur
Adilabad District.
2 The Colliery Manager, Motilakhani, No.4 Incline, Ramakrishnapur, Adilabad District,

..... APPELLANT(S)

AND

1 Gopathi Rajesham, S/o.Kanakaiah R/o.Ramakrishnapur Village, Adilabad District.
2 Md.Sadiq, S/o.Md.Ismail R/o.Ramakrishnapur Village, Adilabad District.
3 Gandla Iyalaiah S/o.Mallaiah] R/o.Ramakrishnapur Village, Adilabad District.
4 L.V.Subrahmanyam S/o.Suryaprakash R/o.Ramakrishnapur Village, Adilabad District.
5 K.Rajaiah, S/o.Mysaiah R/o.Ramakrishnapur Village, Adilabad District.
6 B.Lachaiah S/o.Ramaiah R/o.Ramakrishnapur Village, Adilabad District.
7 P.Chinnaiah, s/o.Rayamallu R/o.Ramakrishnapur Village, Adilabad District.

.....RESPONDENT(S)

Counsel for the Appellant:MR.K.SRINIVASAMURTHY, Advocate.

Counsel for the Respondent No.: MR.G.VIDYASAGAR, Advocate.

The Court made the following :

JUDGMENT : (Per Sri Bilal Nazki, J)

This Writ Appeal has been filed against an interim order passed by the learned Single Judge in the following terms :

> *"A detailed counter has been filed asserting that so far as officiating arrangements are concerned, there is no principles of Junior and Senior to be followed. Admittedly, the petitioners are seniors and they are not allowed to work as coal cutters and lineman. There shall be interim direction as prayed for."*

Final relief in the Writ Petition is;

> *"To issue an order, direction or writ particularly one in the nature of writ of MANDAMUS or any other appropriate writ declaring the action of the respondents in withdrawing the petitioners from the officiating Service in preference to juniors is arbitrary and consequently direct the respondents to continue the petitioners in the post of Coal Cutters, Linemen before considering their juniors, (ii) declare that the petitioners are entitled for regularization in the post of Coal cutter, Linemen, taking into consideration their acting musters in terms of the settlement entered into between the Management and Union."*

By going through the order passed by the learned Single Judge and the prayer in the Writ Petition, it is abundantly clear that the whole relief sought by the petitioners, has been granted to them at an interim stage and nothing remains for the appellants to defend in the case.

For these reasons, we set aside the order of the learned Single

Judge with a request that the matter be finally disposed of, as the pleadings are already complete. Writ Petition may be posted at an early date before the learned Single Judge hearing the matters.

Appeal is accordingly allowed. No costs.

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(Bilal Nazki, J)

13th July, 2004.

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(P.S.Narayana, J)

ajr.

To

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